

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

---

---

PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION

---

---

Name of Offender: **Devonte Harvey**

Case Number: **2:19CR00057**

Name of Sentencing Judicial Officer: **Honorable James C. Mahan**

Date of Original Sentence: **August 22, 2019**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **24 Months prison, followed by 36 Months TSR**

Date Supervision Commenced: **December 31, 2020**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

---

---

PETITIONING THE COURT

☒ To issue a warrant

---

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

On the following dates, Harvey submitted positive tests for marijuana:

April 4, 2021

April 10, 2021

April 23, 2021

May 20, 2021

On the following dates, Harvey failed to submit random drug tests:

January 16, 2021

**RE: Devonte Harvey**

Prob12C  
D/NV Form  
Rev. March 2017

March 11, 2021  
March 30, 2021  
April 16, 2021  
May 11, 2021  
May 16, 2021  
May 29, 2021  
June 1, 2021  
June 11, 2021  
June 28, 2021  
July 11, 2021  
July 12, 2021  
July 22, 2021  
July 29, 2021  
July 30, 2021  
August 9, 2021  
August 19, 2021  
August 22, 2021  
August 30, 2021

According to records from the drug testing call report, Harvey sporadically called the drug testing line since commencing drug testing sporadically on January 4, 2021. Harvey stopped calling the drug testing line completely beginning in June 2021.

2. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
  - A. On February 16, 2021, Harvey was referred to Bridge Counseling for an evaluation and was set for an evaluation on March 11, 2021 at 5:00 pm. Harvey was to arrive at 4:30 pm to complete his paperwork prior to the appointment time. Harvey failed to report at 4:30 pm and the evaluation was not completed. His appointment was rescheduled for April 2, 2021.
  - B. Harvey has failed to attend treatment since June 2021. Numerous attempts to contact Harvey were done by his assigned counselor to include contact via telephone and e-mail, however he failed to respond. On August 17, 2021, Harvey was unsuccessfully discharged from treatment.

**RE: Devonte Harvey**

Prob12C  
D/NV Form  
Rev. March 2017

3. **Must Report As Instructed** - After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- A. On July 12, 2021, this officer texted and e-mailed Harvey to report to Westcare and submit a drug test. Harvey failed to report or call this officer.
- B. On July 14, 2021, this officer conducted a home visit and met with Harvey's cousin. She was instructed to have Harvey call the undersigned officer immediately as the probation office was trying to establish contact with him for his failure to report. Harvey called on July 16, 2021, and left a voicemail stating he could be reached at his cell phone and had received the business card of his new officer. That same day, this officer returned his call, but no contact was established.
- C. On July 30, 2021, the undersigned officer conducted an unannounced home visit and there was no answer at door. A notice of visit was left at door with instructions to call this officer immediately. That same day, the undersigned attempted to contact Harvey via telephone to no avail.
- D. On August 10, 2021, Senior U.S. Probation Officer Shawn Mummey attempted to contact Harvey via telephone and electronic messaging. Harvey was instructed to report to the office and submit a drug test. Harvey responded electronically to SRUSPO Mummey and stated he was working and why should he be reporting since its COVID-19. Later that day, at 6:01 pm, SRUSPO Mummey received a call from Harvey questioning him about his transfer to another officer and wanted to argue on his instructions to report. Harvey was instructed to report to the office on August 11, 2021 at 8:00 am. Harvey failed to report as instructed.
- E. On August 17, 2021, the undersigned officer mailed a letter instructing Harvey to report to the U.S. Probation Office on August 26, 2021 at 8:00 am and advised that failure to report would result in court action. Harvey failed to report as instructed.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

☒ Revoked

**RE: Devonte Harvey**

Prob12C  
D/NV Form  
Rev. March 2017


I declare under penalty of perjury that the  
information contained herein is true and correct,

Executed on **September 7, 2021**

Digitally signed by  
Margarita Hernandez  
Powell  
Date: 2021.09.07  
15:16:14 -07'00'

\_\_\_\_\_  
Margarita Hernandez Powell  
United States Probation Officer

Approved:

 Digitally signed by Joy Gabonia  
Date: 2021.09.07 15:09:47  
-07'00'

\_\_\_\_\_  
Joy Gabonia  
Supervisory United States Probation Officer

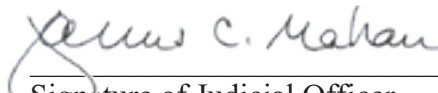
---

---

***THE COURT ORDERS***

---

- ☐ No Action.  
☒ The issuance of a warrant.  
☐ The issuance of a summons.  
☐ Other:

  
\_\_\_\_\_  
Signature of Judicial Officer  
September 8, 2021  
\_\_\_\_\_  
Date

**RE: Devonte Harvey**

Prob12C  
D/NV Form  
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
UNITED STATES V. DEVONTE HARVEY, 2:19CR00057**

---

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT  
September 7, 2021**

---

By way of case history, Harvey was sentenced on August 22, 2019, to 24 months imprisonment followed by three (3) years supervised release for Felon in Possession of a Firearm. Supervision commenced December 31, 2020.

On April 28, 2021, Your Honor was advised Harvey had violated his conditions of supervision as he tested positive for marijuana and failed to report on several occasions to drug testing. He was admonished for his failure to report to drug testing and confronted about his positive drug tests. The U.S. Probation Office recommended no action be taken and he be allowed to continue with his supervision.

On June 22, 2021, Your Honor was advised Harvey had continued to test positive for marijuana, failed to report to drug testing, and failure to report he was cited by the Henderson Police Department for failure to register his address and having a suspended drivers license. The U.S. Probation Office recommended no action be taken as Harvey seemed to understand his requirements while on supervision.

At this time the U.S. Probation Office is requesting that a warrant be issued as Harvey has failed to report as instructed. Numerous attempts have been done by this officer to get Harvey into compliance and at this time his whereabouts are unknown as we have failed to contact him at his approved residence. Harvey has had ample of opportunities to call/report to the U.S. Probation Office and has chosen not to. It is clear Harvey is not amenable to supervision.

Respectfully submitted,



Digitally signed by Margarita  
Hernandez Powell  
Date: 2021.09.07 15:17:28  
-07'00'

---

Margarita Hernandez Powell  
United States Probation Officer

Approved:



Digitally signed by Joy  
Gabonia  
Date: 2021.09.07 15:10:19  
-07'00'

---

Joy Gabonia  
Supervisory United States Probation Officer